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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,837	07/22/2003	Charles H. Reynolds	512-001620US	8987
22798 7590 11/01/2007 QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C. P O BOX 458 ALAMEDA, CA 94501			EXAMINER KAPLAN, HAL IRA	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/625,837

Applicant(s)

REYNOLDS ET AL.

Examiner

Hal I. Kaplan

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007 and 27 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/27/07.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Page 22, line 27 contains the abbreviation "MIBs". This should be written out before being used as an abbreviation.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the time server of claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 16-19 are objected to because of the following informalities: Claim 16, line 2, "logic processing" should be "logic circuitry". Claims 17-19, the steps of registering user indications, accepting user indications of an available network time server, automatically updating the time using the time server, and granting non-administrator users access lack antecedent basis in the specification. As a result, it is unclear what is being claimed. For examination purposes, it has been assumed that "registering" means receiving and arbitrating; an "event" means switching the power on or off; "user indications" mean entries, button presses, etc., by a user; and a time server and non-administrator users have their commonly accepted meanings in the art. Claim 17, line 3, "said one or more power outputs" lacks proper antecedent basis. Claim 19, line 11, "users" should be "users; and". Claim 19, line 12, "said outputs" lacks proper antecedent basis. Appropriate correction is required.

### ***Response to Amendment***

4. The affidavit filed on June 27, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the Ewing reference as to claims 7-11 and 14-22.

As to claims 7-11, 14-16, and 20, the effective date of the Ewing reference is December 8, 2000, as U.S. Patent 7,099,934 to Ewing et al. discloses the claimed subject matter. As to claim 7, Ewing '934 discloses the claimed logic circuitry (124);

interface connections (136,138,140); memory (see column 11, lines 55-57); relay (112); current sensor (110); and inlet ("operating power", see Figure 1). As to claim 8, Ewing '934 discloses a network connection (132) and a serial connection (128,130). As to claim 9, Ewing '934 discloses a web-based interface (138), a telnet interface (136), and an SNMP interface (140). As to claim 10, the logic circuitry (124) of Ewing '934 comprises a microcontroller. As to claims 11 and 14-16, the logic circuitry (124) of Ewing '934 further comprises one or more drivers and/or processors (running operating system 134) for operating the interfaces and (124) the outputs. As to claim 20, Ewing '934 discloses the power being received on a main processing board of the appliance, and the controllable relay (112) resides on the main board (see Figure 1).

5. The affidavit filed on June 27, 2007 under 37 CFR 1.131 is sufficient to overcome the 35 U.S.C. 102(e) rejection under the Ewing reference for claim 12. However, after further consideration, Claim 12 is unpatentable under 35 U.S.C. 103(a) in view of Ewing, as set forth in the rejection below.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 7-11, 14-16, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by the US patent of Ewing et al. (7,043,543).

As to claim 7, Ewing, drawn to a vertical-mount electrical power distribution plugstrip, discloses a smart power manager monitor comprising: logic circuitry (see Figures 4A and 4B) able to execute logic instructions and operatively connected to: one or more interface connections (236,238,240) (see column 4, line 64 - column 5, line 3); a memory storing logic instructions (see column 4, lines 11-13); one or more relays (212,401-404) each individually controlling one or more power outputs (see column 3, lines 53-62 and column 7, lines 56-65); one or more current sensors (210) each individually sensing current drawn by one or more outlets (see column 3, lines 53-62; column 4, lines 50-54; and column 7, lines 56-65); and an inlet (108) for receiving power from an external source (see column 3, lines 9-10).

As to claim 8, the device of Ewing has multiple network connections (232) and a direct serial connection (see column 4, lines 57-59 and 64-66).

As to claim 9, the logic circuitry of Ewing provides a web-based interface (238), a telnet interface (236), and an SNMP interface (240) (see column 5, lines 1-3).

As to claim 10, the logic circuitry of Ewing comprises a microcontroller (see column 7, lines 1-2 and Figure 3).

As to claim 11, the logic circuitry of Ewing further comprises one or more processors for operating the interfaces and/or the outlets (see column 8, lines 16-19).

As to claim 14, Ewing discloses a method of managing power within an information appliance comprising: receiving power from an external source at a first

connector (108) (see column 3, lines 9-10); connecting power to one or more controllable relays (212,401-404), the controllable relays (212,401-404) providing one or more managed power domains for information appliance components (see column 3, lines 53-62 and column 7, lines 56-65); providing at least one physical communication interface (412) with power connections outside of the managed power domains (see column 7, lines 64-65 and Figure 4A); and executing logic instructions on power management components (constituent hardware of power manager 406) powered outside of the managed power domains for controlling the relays (212,401-404) and communicating on the communication interface (412) (see column 7, line 56 - column 8, line 9 and Figures 4A and 4B).

As to claim 15, the method of Ewing further comprises: connecting power at the controllable relays (212,401-404) to one or more output current monitors (210), the monitors (210) separately monitoring current use of the power domains (see column 3, lines 53-62; column 4, lines 50-54; and column 7, lines 56-65); and executing logic instructions on the power management components (constituent hardware of power manager 406) to receive current monitoring results and providing the results to users over the communication interface (412) (see column 7, line 56 - column 8, line 9 and Figures 4A and 4B).

As to claim 16, the method of Ewing further comprises providing at least one user interface (232,236,238,240), the interfaces allowing for communication between the user and the information appliance components via the power management components.

As to claim 20, Ewing discloses the power being received on a main processing board of the host computer, and controllable relays (212) residing on the main board (see column 3, lines 51-62 and Figure 2).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the US patent of Ewing (7,099,934).

As to claim 12, Ewing discloses a smart power manager monitor comprising: logic circuitry (124) able to execute logic instructions and operatively connected to: a plurality of interface components (136,138,140) (see column 6, lines 27-44 and Figure 1); a memory (RAM) storing logic instructions (see column 11, lines 55-57); a relay (112) individually controlling a power output (114); a current sensor (110) individually sensing current drawn by the output (114); and an inlet ("operating power") for receiving power from an external source (see column 6, lines 27-33). Ewing does not disclose a second relay individually controlling a second power output, or a second current sensor individually sensing current drawn from the second power output; however, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have included a second relay and current sensor for a second output to a second appliance, because it has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). See MPEP §2144.04(VI)(B).

12. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing in view of the US patent of Truong et al. (6,160,873).

As to claim 17, Ewing discloses all of the claimed features, as set forth above, except for the steps of registering user indications to configure and/or change operating states of the outputs, and using power management logic to change states and/or configurations of the outputs in accordance with the user indications. Truong, drawn to

a system and method for remotely initializing, operating and monitoring a general-purpose computer, discloses a method comprising: providing a user interface allowing a user to independently schedule events for a power output (38); registering user indications to configure and/or change the operating state of the output; and using power management logic operatively connected to the outputs to change the state of the output in accordance with the user indications (see Abstract, lines 1-9; column 5, lines 6-7; and column 17, lines 2-17 and 34-42). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to change the interface of Ewing to allow a user to schedule power on/off events and use the power management logic to effect the power on/off events, because the user will not have to be physically present every time the power must be turned on or off.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing in view of the Japanese patent of Hartman (07-036559).

As to claim 18, Ewing discloses all of the claimed features, as set forth above, except for accepting user indications of an available remote network time server and automatically updating the time using the time server. Hartman, drawn to a secure time keeping device and secure time server, discloses a method comprising: accepting user indications (private key corresponding to a requesting client) of a time server; and automatically updating the time (reading a value from a server TOD and preparing a responding transmission including ciphered time and date information) using the time server. It would have been obvious to one of ordinary skill in the art, at the time of the

invention, to automatically update a system time in the system of Ewing, using the time server of Hartman, in order to allow the system to function without a reliable time value.

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing in view of the US patent of Reitmeier (7,068,145).

As to claim 19, Ewing discloses all of the claimed features, as set forth above, except for accepting indications registering one or more non-administrator users, and granting them access to one or more of the outputs. Reitmeier, drawn to a method and device for controlling household appliances, discloses a method comprising: accepting indications (biometric recognition) registering one or more non-administrator users; and granting non-administrator users (normal users) access individually to one or more of the outputs. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ewing so that some users have more access than others, in order to protect the system from unauthorized use.

15. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ewing.

As to claims 21 and 22, Ewing does not disclose receiving the power on a component board (daughterboard). However, Ewing discloses receiving the power on the main processing board, as set forth above. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ewing so that the power is received on a component board, because it has been held that making a part separable rather than bodily incorporated in the invention requires only ordinary skill in the art and hence is considered a routine expedient and thus carries no patentable weight. *In re*

*Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). See MPEP §2144.04(V)(C).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Response to Arguments***

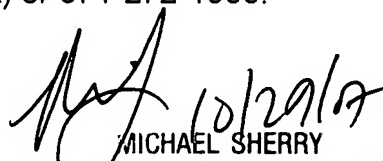
19. Applicant's arguments, see Remarks, filed August 27, 2007, with respect to the objections and rejections have been fully considered and are persuasive, except as set forth above. The objections and rejections have been withdrawn, except as set forth above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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